

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DOMENIC VILELA,

Plaintiff

v.

CITY OF HENDERSON and JEREMY C.
COOLEY,

Defendants

Case No.: 2:22-cv-00433-APG-DJA

**Order Granting Motion to Dismiss and
Remanding Case**

[ECF No. 14]

Dominic Vilela removed this action from state court. ECF Nos. 1-1; 9; 11. Jeremy C. Cooley moves to dismiss, arguing that Vilela improperly removed the case, and, in any event, Cooley is entitled to absolute prosecutorial immunity. ECF No. 14. In response, Vilela does not dispute that he was attempting to remove a criminal case from state court, and he offered no jurisdictional basis to do so. ECF No. 16. Instead, he attached documents from the state court criminal case that confirmed that he intended to remove that case to this court. ECF No. 16-1. A review of the state court docket shows that Vilela filed a notice of removal in the state court case.

Federal district courts have limited jurisdiction, deriving their power to hear cases from specific congressional grants of jurisdiction. *U.S. v. Sumner*, 226 F.3d 1005, 1009 (9th Cir. 2000). As the party seeking to invoke this court's jurisdiction, Vilela bears the burden of proving this court has jurisdiction. *Corral v. Select Portfolio Servicing, Inc.*, 878 F.3d 770, 773 (9th Cir. 2017). He has not done so. Consequently, I grant Cooley's motion and remand this action to the state court from which it was removed.

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1 I THEREFORE ORDER that Jeremy C. Cooley's motion **(ECF No. 14) is GRANTED**
2 and this case is remanded to the state court from which it was removed for all further
3 proceedings. The clerk of the court is instructed to close this case.

4 DATED this 30th day of November, 2022.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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